IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22355 of 2004

Between:

1 Harijana Eeriswamy, S/o. Harijana Pedda Malobanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
2 Harijana Narayana, S/o. Harijana Malobanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
3 Kummara Eeriswamy, S/o. Kallayappa,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
4 Harijana Venkatesulu, S/o. Harijana Chinna Venkatanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
5 Harijana Chinna Erriswamy, S/o. Harijana Chinnna Obanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
6 Harijana Chinna Malobanna, S/o. Harijana Chinna Malobanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
7 Harijana Ramakirshna, S/o. Harijana Pedda Malobanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
8 Chinna Bommaiah, S/o. Mekala Chinna Narayana,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
9 Harijana Venkatanna, S/o. Harijana Chinna Obulesu,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
10 Boya Akkulanna, S/o. Pedda Akkulappa,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.

11 Harijana Peddanna, S/o. Harijana Pedda Polanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
12 chinna Akkulanna, S/o. Boya Bommaiah,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
13 Boya Bommayya, S/o. Pedda Chinna Rayudu,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
14 Boya Pullanna, S/o. Boya Pennappa,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
15 Boya nadipi Bommayya, S/o. Guddi Chinna Rayudu,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
16 Boya Bhoomappa, S/o. Pedda Chinna Rayudu,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
17 Harijana Pedda Erriswamy, S/o. Harijana Venkatanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
18 Boya Karri Bommayya, S/o. Karri Bommayya,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
19 Boya Chinna Akkulanna, S/o. Chennappa,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
20 Kummarra Chinna Sanjappa, S/o. Narasimhappa,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.
21 Harijana Obulesu, S/o. Harijana Chinna Polanna,
Hindu, R/o. Thimmapuram Village, Karutlapalli (BO),
Kudair Mandal, Anantapur District.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kudair, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Assistant Commissioner, Endowments Department,
Anantapur, Anantapur District.
4 The District Collector, Anantapur District.
5 the Project Director, Velugu (DRDA), Anantapur, Anantapur District.
6 The Executive Director, District Scheduled Caste Service, Cooperative

Society, Anantapur District.
7 Sri Anjaneya Swamy Temple, Thimmapuram Village, Kudair Mandal,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Mandamus declaring he action of respondents in interfering with the peaceful possession and enjoyment of the petitioners over the land admeasuring Ac.37-17 Cents situated in Sy.No. 290 of Thimmapuram Village, belonging to Sri Anjaneya Swamy Deity is illegal, arbitrary unreasonable, highhanded with out jurisdiction and violative of Articles 14, 21, 300-A of Constitution of India and opposed to very spirit of object of the provisions of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 along with the Endowments Lease of Agriculture Land rules 2003.

Counsel for the Petitioners:MR.ATCHUTHANANDA DONDETI

Counsel for the Respondent No.1,2 and 4: GP FOR REVENUE

Counsel for Respondent NO.3 : GP for Endowments

Counsel for Respondents Nos.5 and 6 : None appeared

Counsel for Respondent NO.7 : Mr. V. Venugopala Rao

The Court at the stage of admission made the following ORDER: Petitioners claim to be the tenants in respect of the land belonging to Sri Anjaneya Swamy Temple, Timmapuram village, Kudair mandal, Anantapur

district. According to them, the entire land of Ac.37.00 situated in survey No.290 is in their possession and that they have been paying the lease amount regularly to the Trustee. They referred to the various proceedings that have ensued when their possession was said to have been disturbed or challenged. In this writ petition, they seek a declaration that the action of the respondents in interfering with their possession over the said land as illegal, arbitrary and without jurisdiction and seek consequential directions.

In the counter-affidavit filed on behalf of the temple, the existence of lease in favour of the petitioners is denied. It is also stated that the Government made a proposal for purchase of the land belonging to the temple for the purpose of SC Corporation and after obtaining the approval of the Commissioner, as required under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'), the lands were sold to the SC Corporation for a consideration of Rs.5,59,050/-. It is stated that sale deeds were also executed on 22.02.2003 and the sale consideration is said to have been deposited in two separate banks.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the seventh respondent.

Admittedly, the lands in question belong to the temple named above. Under Section 82 of the Act, leases in respect of the agricultural lands stood cancelled. The respondents have sold away the lands to the SC Corporation. The Commissioner of Endowments, who is vested with the power, approved the sales and the sale deeds have since been executed. Possession is also said to be with the SC Corporation. Under these circumstances, no relief can be granted to the petitioners.

Learned counsel for the petitioners submits that even assuming that the lands have been purchased by the SC Corporation, the petitioners are entitled to be considered for allotment of such lands. If that be so, it shall be open to the petitioners to make applications for allotment of the land and depending on their eligibility and availability of the land, the authority concerned shall consider their applications. In case, the land has already been allotted to any beneficiaries, the petitioners shall be furnished the list of the same within two weeks from the date of receipt of the representation.

The writ petition is accordingly dismissed. No order as to costs.

27.12.2004

ksld

To

1 The Mandal Revenue Officer, Kudiar, Anantapur District.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Assistant Commissioner, Endowments Department, Anantapur, Anantapur District.
4 The District Collector, Anantapur District.
5 the Project director, Velugu (DRDA), Anantapur, Anantapur District.
6 The Executive Director, District Scheduled Caste Service, Cooperative

Society, Anantapur District.

7 Two CCs.to the G.P. for Revenue, High Court of A.P., Hyderabad

(OUT)

8 The Anjaneya Swamy Temple, Thimmaopuram village, Kudair

mandal, Anantapur district.

9 Two CCs. to the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT)

10 Two CD copies.